

AMENDED IN SENATE JUNE 23, 2005

AMENDED IN ASSEMBLY MAY 16, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1595

Introduced by Assembly Member Evans
(Coauthor: Senator Dunn)

February 22, 2005

An act to amend Section 6254.21 of the Government Code, relating to public officials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1595, as amended, Evans. Public official: personal information.

Existing law prohibits a state or local agency from posting the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual. Existing law also prohibits a person from knowingly posting on the Internet the home address or telephone number of an elected or appointed official or of the official's residing spouse or child with intent to cause imminent great bodily harm to that individual.

This bill would prohibit a person, business, or association, ~~subject to specified exceptions, from selling or trading for value~~ *from posting or displaying* on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her home address or telephone number, *or from soliciting the home address or telephone number of an elected or appointed official for the purpose of violating these provisions. It would limit the liability of an interactive computer service or access software provider under*

these provisions. This bill also would add to the list of elected or appointed officials covered by all of the foregoing provisions state administrative law judges, federal judges, and federal defenders, Members of the United States Congress and the United States Senate, and appointees of the President.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254.21 of the Government Code is
2 amended to read:

3 6254.21. (a) No state or local agency shall post the home
4 address or telephone number of any elected or appointed official
5 on the Internet without first obtaining the written permission of
6 that individual.

7 (b) No person shall knowingly post the home address or
8 telephone number of any elected or appointed official, or of the
9 official's residing spouse or child on the Internet knowing that
10 person is an elected or appointed official and intending to cause
11 imminent great bodily harm that is likely to occur or threatening
12 to cause imminent great bodily harm to that individual. A
13 violation of this subdivision is a misdemeanor. A violation of this
14 subdivision that leads to the bodily injury of the official, or his or
15 her residing spouse or child, is a misdemeanor or a felony.

16 ~~(c) (1) Except as provided in paragraph (2), no person,~~
17 ~~business, or association shall sell or trade for value on the~~
18 ~~Internet the home address or telephone number of any elected or~~
19 ~~appointed official if that official has made a written demand of~~
20 ~~that person, business, or association to not disclose his or her~~
21 ~~home address or telephone number.~~

22 ~~(2) This subdivision shall not apply to any of the following:~~

23 ~~(A) A provider of health care, health care service plan, or~~
24 ~~contractor subject to the Confidentiality of Medical Information~~
25 ~~Act (Part 2.6 (commencing with Section 56) of Division 1 of the~~
26 ~~Civil Code).~~

27 ~~(B) A financial institution as defined in Section 4052 of the~~
28 ~~Financial Code and subject to the California Financial~~
29 ~~Information Privacy Act (Division 1.2 (commencing with~~
30 ~~Section 4050) of the Financial Code).~~

1 ~~(C) A covered entity governed by the medical privacy and~~
2 ~~security rules issued by the United States Department of Health~~
3 ~~and Human Services, Parts 160 and 164 of Title 45 of the Code~~
4 ~~of Federal Regulations, established pursuant to the Health~~
5 ~~Insurance Portability and Availability Act of 1996 (HIPAA).~~

6 *(c) No person, business, or association shall do either of the*
7 *following:*

8 *(1) Posting or displaying on the Internet the home address or*
9 *telephone number of any elected or appointed official if that*
10 *official has made a written demand of that person, business, or*
11 *association to not disclose his or her home address or telephone*
12 *number. For this purpose, “publicly post” or “publicly display”*
13 *means to intentionally communicate or otherwise make available*
14 *to the general public.*

15 *(2) Solicit the home address or telephone number of an elected*
16 *or appointed official for the purpose of violating this section.*

17 *(d) An interactive computer service or access software*
18 *provider, as defined in Section 230(f) of Title 47 of the United*
19 *States Code, shall not be liable under this section unless the*
20 *service or provider intends to abet or cause imminent great*
21 *bodily harm that is likely to occur or threatens to cause imminent*
22 *great bodily harm to an elected or appointed official.*

23 ~~(e)~~
24 *(e) For purposes of this section “elected or appointed official”*
25 *includes, but is not limited to, all of the following:*

- 26 *(1) State constitutional officers.*
- 27 *(2) Members of the Legislature.*
- 28 *(3) Judges and court commissioners.*
- 29 *(4) District attorneys.*
- 30 *(5) Public defenders.*
- 31 *(6) Members of a city council.*
- 32 *(7) Members of a board of supervisors.*
- 33 *(8) Appointees of the Governor.*
- 34 *(9) Appointees of the Legislature.*
- 35 *(10) Mayors.*
- 36 *(11) City attorneys.*
- 37 *(12) Police chiefs and sheriffs.*
- 38 *(13) A public safety official as defined in Section 6254.24.*
- 39 *(14) State administrative law judges.*
- 40 *(15) Federal judges and federal defenders.*

1 (16) Members of the United States Congress, United States
2 Senate, and appointees of the President.
3 ~~(e)~~
4 (f) Nothing in this section is intended to preclude punishment
5 instead under Sections 69, 76, or 422 of the Penal Code, or any
6 other provision of law.

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